

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

SAMUEL JOSEPH ORLANDO,

Plaintiff

V.

SHERIFF DONALD L. SMITH, ET AL.,

Defendants.

[illegible]

Case No. 5:22-cv-00062-MGU

**NEAL DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR  
EXPEDITED DISCOVERY AND FOR A PROTECTIVE ORDER**

Comes now RN and BN, by counsel, and in response to the Plaintiff's Motion for Expedited Discovery and for a Protective Order state:

1. Defendants have asserted that this Court must at least stay the instant matter under the Younger Abstention, as there may be an active criminal investigation of the Plaintiff for allegations of sexual abuse of BN. See ECF 1-8. Accordingly, no action on Plaintiff's Motion would be appropriate at this time.

2. Defendants deny that any threatening communications were made by BN to any of the “witnesses” listed by Plaintiff.

3. Counsel for the Plaintiff acknowledged by telephone that no message was received from BN that either he or undersigned counsel were able to interpret as threatening.

- There is no need for a protective order against BN.

5. Counsel has advised BN regarding the severity of the allegation and he assured undersigned counsel that he will have no contact with the individuals named in Plaintiff's motion.

WHEREFORE, Defendants RN and BN respectfully request this Court deny Plaintiff's Motion on the grounds outlined above. In the alternative, Defendants RN and BN would ask the Court to stay any decision on a protective order until such time as the Court issues a ruling on the pending motions to both stay and dismiss the matter under Younger.

DATED: 20 January 2023

Respectfully Submitted,

/s/ Bradley Glenn Pollack (VSB #25290)

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*Counsel for Defendants RN and BN*

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2023, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Bradley Glenn Pollack (VSB #25290)

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